

Good Afternoon Brenda et al.

Considering the Inspectors reply, I will be promoting the routes contained as originally submitted in my Proof Of Evidence(copy attached).

- This is in effect is promoting cancelling Order actions with respect S69 Bacton as not suitable and convenient.
- Limited actions on S13 Fords Green
 - With limited diversions required as discussed in the first round of public consultation
 - As design freeze proposals discussed just prior to the order being made (Gen 004) with no western diversion required.
- Acceptable to the majority of Objectors to S69.
- Minimal (if any) net Compulsory acquisition and infrastructure required

To clarify the supplementary routes and email discussions submitted to the Inquiry on 21 February 2018 (such as the Gen 004 design freeze maps) are to illustrate that I was not picking the suggested proposal in my Proof of Evidence out of the blue. I understood I had been in a multiway consultation between other stakeholders mediated by Network Rail's agents just before the order was made. After attending the first few days of the Inquiry I felt the Inspector would be likely to have asked for this communication as I would have likely referred to it in my Evidence in Chief. I didn't want to hold things up while I collated it so submitted it on 21st Feb.

I hope this clarifies my position..

Paul Baker

From: Brenda Taplin [<mailto:btaplin@personaassociates.co.uk>]
Sent: 09 March 2018 14:38
To: Mssrs E Hudson Baker
Cc: Helena Parker; Hazel Anderson (handerson@wslaw.co.uk); Izabella Suberlak
Subject: RE: Network Rail Public Inquiry (Suffolk)
Importance: High

Hello Mr Baker

The Inspector has asked me to pass on his reply to your email of 2 March as follows, copying in Network Rail representatives –

As set out at the start of the Inquiry, the Inspector may recommend that the draft Order is made without modification, in a modified form or that it is not made.

Paragraph 9.12 of the Inspector's '*Notes following the Pre-Inquiry Meeting*' set out '*In the event that objectors intend to promote alternatives to the proposed works at a particular crossing, the Inspector would expect their proofs to include an evaluation of the merits and practicability of the alternative proposed and whether it would meet the aims and objectives set for the original scheme, taking into account, so far as practical, its costs, benefits and comparative*

impacts, such as on adjoining land owners.' Paragraph 11.2 sets out the potential implications of the submission of late evidence.

Paragraph 2.47 of the Department for Transport's 'A Guide to TWA Procedures' indicates that '*Applicants should bear in mind that alternative route alignments for linear schemes, or alternative locations for ancillary facilities, are often put forward by objectors. In considering a TWA application, the Secretary of State's concern is to establish whether the particular proposals submitted for approval are acceptable. If they are, the Secretary of State is not required to determine whether or not there might be a better alternative. But that does not mean that the presentation of evidence by objectors on possible alternatives would necessarily be ruled out as irrelevant. If, for example, it were clear that a particular route chosen (or part of it) would give rise to significant environmental damage, and an objector were able to demonstrate that an alternative alignment could meet the scheme's objectives without causing such damage, the Secretary of State might consider that to be a reason for modifying or rejecting the submitted proposals (whether modification would be appropriate would depend upon how substantial the changes would be).*' Paragraph 5.6 indicates that '*If the Secretary of State proposes to make an order with modifications which would, in his or her opinion, amount to a substantial change in the proposals, the Secretary of State must, under section 13(4): notify any person who appears likely to be affected by the modifications; give that person an opportunity of making representations about the modifications within such period as may be specified; and, consider any representations received. Although the Secretary of State implicitly has the power to make substantial amendments to a proposed order, it would not be appropriate to make changes that were so substantial that the Secretary of State would in effect be approving a fundamentally different proposal from the one that had been applied for.*'

It is conceivable that promoted alternatives may also inform consideration as to whether there is a compelling case in the public interest for conferring the compulsory acquisition powers sought (Statement of Matters no. 6).

It is in this context that Mr Baker is asked whether he is promoting the routes contained within his submissions of 21 February 2018 as alternatives to those set out in the draft Order.

Brenda

Brenda Taplin
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From: Mssrs E Hudson Baker [<mailto:ehudsonbaker@atlasframgroup.co.uk>]
Sent: 02 March 2018 15:56
To: Brenda Taplin
Subject: RE: Network Rail Public Inquiry (Suffolk)

Dear Ms Taplin,

Reference documents submitted 21st February.

- As far as I now understand it is not possible for the Inspector to modify the order diversions, only ruling if they are approved, required or not approved...on this basis the email chain is for general background of the consultation process to aid the Inspectors decision.
- If I have this wrong and the Inspector can modify the order to an alternate to that in the order such as an earlier suggested route in the consultation process I can speak to that.

With thanks

Paul Baker

From: Brenda Taplin [<mailto:btaplin@personaassociates.co.uk>]
Sent: 02 March 2018 12:39
To: Mssrs E Hudson Baker (ehudsonbaker@atlasframgroup.co.uk)
Cc: Joanna Vincent
Subject: RE: Network Rail Public Inquiry (Suffolk)
Importance: High

Hello Mr Baker

Referring to the documents you submitted on 21 February, comprising an email trail with embedded drawings.

Network Rail has raised an issue on those documents, on which the Inspector has asked for clarification. Within the documents reference is made to an alternative route. Are these documents for use as a general background to the case you intend to put forward when you appear? Or is this an alternative that you intend to speak to?

Also, responses to your questions was handed in today.

I am waiting for the electronic version, which I will forward to you as soon as I can.

Brenda

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From: Mssrs E Hudson Baker [<mailto:ehudsonbaker@atlasframgroup.co.uk>]

Sent: 21 February 2018 01:11

To: Joanna Vincent <joannavinc@personaassociates.co.uk>

Subject: Network Rail Public Inquiry (Suffolk)

Dear Joanna,

Due to my unfamiliarity with the process and comments by the Inspector this morning I am not sure if these documents will need submitting as additional appendices to my Proof of Evidence... As I think it may be possible as I may need to refer to them under cross examination.

Please find the attached

Appendix 4: Chain of emails of correspondence between Network Rail's agents and myself between the second round of consultation and the point the draft TWO was issued. These include the attached embedded maps within these emails (also provided separately should larger copies be required 4i to vi).

Appendix 5: Norfolk and Suffolk Police Abnormal loads dispensation

Would you be able to print any hard copies out for me as I have limited colour printing capability.

With thanks

Paul Baker
Objector 26